



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 3154-21
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1610.10E (EVALMAN)

Encl: (1) DD Form 149 w/enclosures
(2) Supplemental Letter of 8 Apr 21
(3) Corrected Evaluation Report & Counseling Record for the reporting period 16 Nov 19 to 15 Nov 20 signed 8 Apr 21
(4) Evaluation Report & Counseling Record for the reporting period 16 Nov 19 to 15 Nov 20 signed 10 Dec 20
(5) Letter of Extension of 8 Feb 21
(6) NPC memo 1610 PERS-32 of 21 May 21

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his naval record, specifically BUPERS Online (BOL) and his Navy Standard Integrated Personnel System (NSIPS) Enlisted Advancement Worksheet, be corrected to reflect the 8 April 2021 supplemental letter changes and the corrected Evaluation Report & Counseling Record (EVAL) at enclosures (2) and (3). Additionally, Petitioner requests the Reporting Senior Cumulative Average (RSCA) be corrected to reflect the change in the summary group average from 3.72 to 3.74.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 18 November 2021, and pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued enclosure (4), a periodic EVAL for the reporting period 16 November 2019 to 15 November 2020. The EVAL reporting period was extended to 12

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
[REDACTED]

February 2021 by enclosure (5), and changed to a detachment of individual EVAL due to Petitioner's transfer to [REDACTED].

c. On 8 April 2021, the Commanding Officer, [REDACTED] submitted enclosures (2) and (3) to Commander, Navy Personnel Command (PERS-32) for submission to Petitioner's Official Military Personnel File (OMPF) as supplementary material in the form of a supplemental report with a cover letter. A review of Petitioner's OMPF shows enclosure (2) was added to the OMPF but enclosure (3), the corrected EVAL submitted as a supplemental report, was not.

d. The Advisory Opinion (AO) at enclosure (6) states the Reporting Senior elected to submit a letter-supplement, enclosure (2), which PERS-32 appended to the original EVAL, enclosure (4), which is currently on file. The AO further stated supplemental material does not change the information on the member's Performance Summary Record (PSR) nor does PERS-32 have purview over Petitioner's request for corrections to BOL and NSIPS.

e. Reference (b) allows supplementary material to be added to the OMPF to clarify, amend, or correct an original report in the OMPF. The supplementation can be in the form of a letter-supplement or a supplemental report. The reference further explains that a revised version of the original report should only be used when there is so much supplementary information that a letter-supplement is not practical. The reference provides the following guidance for submitting a supplemental report: "complete the supplemental report as if it were the original report, except the Reporting Senior signature block must contain the date the supplemental report was signed, rather than the date on the original report. The supplemental report must not be marked/referred to as a revised report. Submit with a cover letter containing the same elements as a letter-supplement."

f. A review of enclosure (2) reflects the command's decision to provide supplementary material utilizing a supplemental report. Enclosure (2) is the "cover letter containing the same elements as a letter-supplement" and enclosure (3), which is listed as an enclosure on the letter-supplement, is the corrected EVAL. To date, enclosure (3) is not in Petitioner's OMPF.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. The Board determined Petitioner's command intended enclosures (2) and (3) be submitted to Petitioner's OMPF as a supplemental report with the required cover letter. The Board further determined PERS-32 erred by not submitting both enclosures (2) and (3) to Petitioner's OMPF as a supplemental report and by only submitting enclosure (2) as a letter-supplement.

Due to the extensive changes made by the command through the use of a supplemental report; and in consideration that the changes made by the supplementary material will not result in changes to the PSR and likely will not result in the requested changes to BOL and NSIPS; and when considering the potential confusion if the original report remains in the record with the

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
[REDACTED]

supplementary material, the Board concluded it was in the interest of justice to effectuate the Petitioner's requested relief. Specifically, the Board concluded the original EVAL and the letter-supplement/cover letter, which are currently in Petitioner's OMPF, should be removed from Petitioner's OMPF. In their place, the corrected EVAL at enclosure (3), should be added to Petitioner's OMPF as the sole EVAL for the reporting period 16 November 2019 to 15 November 2020.

With the removal of the original report and letter-supplement, and the submission of enclosure (3) as the new "original" EVAL, the Board concludes the requested changes to BOL, NSIPS, and the RSCA shall be completed to reflect the corrected EVAL.

RECOMMENDATION

In view of the above, the Board recommends the following corrective action.

Petitioner's naval record be corrected by removing enclosure (2), the 8 April 2021 Letter-supplement and enclosure (4), the original EVAL for the reporting period 16 November 2019 to 15 November July 2020, signed 10 December 2020.

Petitioner's naval record be corrected by adding enclosure (3), the corrected EVAL for the reporting period 16 November 2019 to 15 November, signed 8 April 2021.

Petitioner's naval record be corrected by ensuring corresponding changes to BOL, NSIPS, and the PSR, to include, but not limited to the NSIPS Enlisted Advancement Worksheet and the RSCA computation, are made to reflect the EVAL at enclosure (3).

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

11/27/2021

[REDACTED]
Deputy Director
[REDACTED]